

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: VOLKSWAGEN “CLEAN DIESEL”
MARKETING, SALES PRACTICES, AND
PRODUCTS LIABILITY LITIGATION

MDL No. 2672 CRB (JSC)

**ORDER DENYING MOTIONS FILED
BY PRO SE PLAINTIFF OLEG YARIN**

This Order Relates To:
Dkt. Nos. 3297, 3706, 4189, 4307, 4308, 4309

Staff Sergeant (Ret.) Oleg Yarin is the owner of a 2013 Volkswagen Passat with a 2.0-liter TDI diesel engine. (Compl. ¶ 7.) After learning that his vehicle was equipped with an emissions defeat device, he filed a pro se complaint against Volkswagen AG and Volkswagen Group of America, Inc. in the United States District Court for the Middle District of Florida. (*See Yarin v. Volkswagen Group of America, Inc.*, No. 8:16-cv-01382 (M.D. Fla. June 1, 2016).) The Judicial Panel on Multidistrict Litigation transferred his case to this Court on October 4, 2016 as part of the instant MDL. (*See* Dkt. No. 2626 at 15.)

Since his case was transferred, Mr. Yarin has filed a number of motions with the Court. While the motions have varied in content and request, broadly Mr. Yarin seeks to move forward with litigating his case against Volkswagen, and he is frustrated that to date he has not been able to obtain discovery or otherwise pursue his claims.¹

¹ In one currently pending motion, Mr. Yarin requests that the Court “conduct pre-trial proceedings” in his civil lawsuit against Volkswagen. (Dkt. No. 4308.) In another motion, he seeks access to documents that the Volkswagen and Bosch Defendants previously provided to Plaintiffs’ Lead Counsel and the Plaintiffs’ Steering Committee as part of the consolidated class actions brought on behalf of owners and lessees of Volkswagen’s “clean diesel” vehicles. (Dkt. No. 3297.) In two other motions, Mr. Yarin moves for “treatment . . . with fairness and respect,” asserting that he is being denied such treatment because he has not been allowed to proceed with his litigation against Volkswagen. (Dkt. Nos. 4189, 4307.) In two other motions, Mr. Yarin

Mr. Yarin is one of hundreds of thousands of consumers in the United States who have been impacted by Volkswagen’s “clean diesel” emissions fraud, and who have participated or otherwise been represented in these MDL proceedings. Because of the significant number of parties involved, the Court has sought to resolve cases affecting the greatest number of consumers first. To that end, the Court appointed Plaintiffs’ Lead Counsel and the Plaintiffs’ Steering Committee when this MDL began to represent nationwide classes of consumers who purchased Volkswagen’s 2.0-liter and 3.0-liter “clean diesel” vehicles. (*See* Dkt. No. 545, PTO 4.) The efforts of Lead Counsel and the Steering Committee ultimately culminated in the 2.0-liter and 3.0-liter settlement agreements between Plaintiffs, Volkswagen, and other Defendants, which the Court respectively approved in October 2016 and May 2017. (*See* Dkt. Nos. 2102, 3229.) Approximately 490,000 consumers who owned or leased eligible 2.0-liter vehicles participated in the 2.0-liter settlement. (*See* Dkt. No. 2102 at 26.) Sergeant Yarin and 3,565 others opted out. (Dkt. No. 2102-1 at 40.)

With respect to the opt-out plaintiffs’ cases, the Court is in the process of considering 57 motions to remand, covering 624 removed cases, for which briefing will be complete in December 2017. After resolving the pending remand motions, the Court will turn to the remaining opt-out litigation at the appropriate time. At this time, however, a stay of proceedings in Mr. Yarin’s case is still in the interests of judicial efficiency. In the interim, Mr. Yarin may contact the Plaintiffs’ Steering Committee, who advised the Court in a response to Mr. Yarin’s motions that they have had conversations with him and remain ready to assist him with understanding his rights and obligations related to this litigation. (*See* Dkt. No. 4305.) Mr. Yarin may also contact the Legal Help Center, 450 Golden Gate Avenue, 15th Floor, Room 2796, Telephone No. (415) 782-8982,

moves for “acceptance as true” the ruling of the U.S. District Court for the Eastern District of Michigan that Mr. Yarin is a crime victim for purposes of the Crime Victims’ Rights Act, 18 U.S.C. § 3771, which was a ruling entered in Volkswagen AG’s criminal proceedings related to the emissions fraud. (Dkt. Nos. 3706, 4309.) Mr. Yarin appears to contend that his status as a crime victim entitles him to expedited proceedings in his civil lawsuit against Volkswagen. He has not cited any authority for this proposition, nor is the Court aware of any. *Cf. Kenna v. U.S. Dist. Ct. for C.D. Cal.*, 435 F.3d 1011, 1013 (9th Cir. 2006) (noting that the “Crime Victims’ Rights Act . . . mak[es] victims independent participants in the *criminal* justice process.”) (emphasis added).

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for assistance with his claims.

IT IS SO ORDERED.

Dated: December 1, 2017



CHARLES R. BREYER
United States District Judge